

Senate Bill No. 490

CHAPTER 648

An act to add Section 49431.7 to the Education Code, relating to pupil nutrition.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 490, Alquist. Pupil nutrition: trans fats.

(1) The Pupil Nutrition, Health, and Achievement Act of 2001 requires a school to follow the Enhanced Food Based Meal Pattern, Nutrient Standard Meal Planning, or Traditional Meal Pattern developed by the United States Department of Agriculture or the Shaping Health as Partners in Education (SHAPE) Menu Patterns developed by the state in order to qualify for reimbursement for free and reduced-price meals sold or served to pupils. The act prescribes nutrition standards for snacks sold to pupils in middle, junior, or high school with certain exceptions. The act also prohibits the sale of certain beverages to a pupil at an elementary school.

This bill would prohibit, commencing on July 1, 2009, a school or school district, through a vending machine or school food service establishment during school hours and up to ½ hour before and after school hours, from making available to pupils enrolled in kindergarten or any of grades 1 to 12, inclusive, a food containing artificial trans fat and would prohibit the use of artificial trans fat in the preparation of a food item served to those pupils. This prohibition would not apply to food provided as part of a USDA meal program and would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(a) Trans fatty acids, also known as trans fats, have a detrimental impact on a person's health by doing all of the following:

- (1) Increasing blood insulin level in response to glucose load.
- (2) Affecting immune response.
- (3) Decreasing the response of the red blood cells to insulin.

(4) Causing alterations in physiological properties of biological membranes.

(5) Causing alterations in adipose cell size, cell number, lipid class, and fatty acid composition.

(6) Lowering serum HDL cholesterol.

(7) Impairing endothelial function.

(b) In 1997, a New England Journal of Medicine study found eating one gram of trans fats a day for a decade increased the risk of cardiovascular disease by 20 percent.

(c) Recent research by Harvard Medical School shows that high trans fat intake represents a significant risk for developing premature diabetes.

(d) Trans fats increase the risk of heart disease and stroke by increasing levels of so-called bad cholesterol, known as LDL, and reducing levels of so-called good cholesterol, known as HDL.

(e) There is an overwhelming amount of evidence revealing the damage trans fat can do to the health of an individual.

SEC. 2. Section 49431.7 is added to the Education Code, to read:

49431.7. (a) Commencing on July 1, 2009, a school or school district, through a vending machine or school food service establishment during school hours and up to one-half of an hour before and after school hours, shall not make available to pupils enrolled in kindergarten, or any of grades 1 to 12, inclusive, food containing artificial trans fat, as defined in subdivision (b), or use food containing artificial trans fat in the preparation of a food item served to those pupils.

(b) For purposes of this section, a food contains artificial trans fat if a food contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the manufacturer's documentation or the label required on the food, pursuant to applicable federal and state law, lists the trans fat content as less than 0.5 grams of trans fat per serving.

(c) For purposes of this section, "school food service establishment" means a place that regularly sells or serves a food item or meal on a school campus.

(d) This section does not apply to food provided as part of a USDA meal program.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.